Dent, one of the named inventors, which shows conception of the invention prior to the effective date of the disclosure and diligence continuing up to the filing of the patent application.

The invention was conceived sometime prior to August 14, 1991. An invention disclosure documenting the conception of the invention was prepared by Mr. Dent on August 14, 1991. After his initial conception, Mr. Dent and the other inventors continued to study the invention and to develop the preferred embodiments of the invention described in the patent application. The second invention disclosure was provided to outside patent counsel to prepare the patent application. The patent application was filed on April 17, 1992, approximately three weeks from the date of the second invention disclosure.

At the time the inventors were developing the preferred embodiments of the invention, the invention was also subjected to a standard patent review process at Ericsson. The process generally involves the filing of a patent disclosure by the inventor or inventors, and a review of the patent disclosure by a patent committee to consider the technical feasibility and merits of the invention. Disclosures that survive the patent review process are then forwarded to patent counsel with instructions to prepare an application. At the time this invention was made, the entire process from conception to filing took, on average, approximately six to nine months.

In this case, the application was filed approximately eight months after the initial disclosure. Following the initial conception, the inventors continued to study the invention and to develop the preferred embodiments. The application was subjected to a review process and, upon completion of that review process, forwarded to outside patent counsel to prepare the application. This evidence shows that the inventors and Ericsson were diligent from the date of conception of the invention to the actual filing of the patent application. Consequently, Blakenly, which was filed March 5, 1992, is not available as a prior art reference. Applicants respectfully request the Examiner withdraw the § 102 and § 103 rejections.

The Examiner also rejected claim 113 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts the

original specification fails to disclose decoding the transmit signal sent from the mobile station "using said first CDMA spreading code at both said first and second base stations for dual diversity combining." Applicants respectfully disagree. Page 13 of the original application states that during soft handover, "the mobile station continues to transmit using its original CDMA code. The current base station informs the new base station to look for and demodulate the mobile station's transmission using this code" (lines 14-18). As such, both base stations are demodulating the signal from the mobile using the original CDMA code (the first CDMA spreading code). Page 13 continues and states "the new base station can exchange demodulated data with the old base, for the purposes of using the data diversity to obtain better error correction decoding" (lines 22-24). As shown by these two excerpts, the original specification supports claim 113, and therefore, claim 113 complies with the written description requirement. Applicants respectfully request reconsideration.

In light of the arguments set forth above, Applicants believe that pending claims 102 and 109-125 stand in condition for allowance. As such, claim allowance is solicited at the Examiner's earliest convenience. If any issues remain unresolved, Applicants as that the Examiner call the undersigned attorney so that any such issues may be expeditiously resolved.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

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